

FILED

2012 JAN 31 PM 4:08

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

LYNN FAZZ  
CLERK OF SUPERIOR COURT  
YUMA ARIZONA 85364

IN THE MATTER OF: ) Administrative Order  
 )  
CREATION OF ATTORNEY LIST, FEES AND RULE ) 2012-01  
19 C WAIVER FOR GUARDIANSHIP AND )  
CONSERVATORSHIP MATTERS IN THE )  
SUPERIOR COURT IN YUMA COUNTY, ARIZONA )

Recently, the Arizona Supreme Court adopted new Arizona Rules of Probate Procedure under Supreme Court Administrative Order 2011-23. Several of those rules become effective January 1, 2012 and February 1, 2012, with the balance becoming effective September 1, 2012.

Pursuant to Rule 19, the Superior Court is required to establish a rotating list of attorneys who are willing to be appointed as counsel for the protected person in guardianships and conservatorships. This new rule precludes, unless 'good cause' is shown, the appointment of counsel for the protected person who has an existing attorney – client relationship with the nominated or appointed fiduciary. In Yuma County there are a limited number of attorneys who are willing to accept appointment as counsel for a protected person and even a smaller number who are willing to engage in representation for a reduced fee or a flat fee. Given that fact, the court finds that with regards to guardianship/conservatorship matters filed by the Public Fiduciary and pro se Petitioners, that 'good cause' exists warranting the waiver of the requirements of Rule 19 C.

Additionally, because of budget constraints of the Public Fiduciary and the frequent pro se or self represented cases and the limited financial resources of the protected person, a flat fee

1 of \$500.00 is appropriate for compensation to appointed counsel who choose to be available  
2 under the rotating attorney list. Counsel will generally be discharged unless level one mental  
3 health treatment is involved and in some guardianship and conservatorship matters following the  
4 hearing on the appointment of the guardian and/or conservator.

5 Based on the above;

6 IT IS ORDERED as follows:

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8 1. Inviting counsel who are interested in being placed on a rotating attorney list,  
9 to promptly advise this court's judicial assistant in writing as to their availability  
10 for appointment as counsel for the protected person in all  
11 guardianships/conservatorships. Counsel may opt in or out which cases they will  
12 accept appointment for the following:

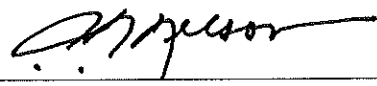
- 13 a. Public Fiduciary (flat fee \$500.00)  
14 b. Pro Se Petitioner  
15 c. Private Fiduciaries and Represented Petitioners

16 2. The judicial assistant for the Presiding Judge shall maintain the rotating list of  
17 attorneys. The Superior Court Division to which the guardianship/conservator  
18 matter is assigned and where appointment of counsel is required, shall contact the  
19 judicial assistant charged with monitoring the rotating list to determine the  
20 attorney to whom the appointment should be made.

21 3. Finding good cause to waive the requirements of Rule 19 C in all  
22 guardianships/conservatorships matters filed by the Public Fiduciary and Pro Se  
23 Petitioners pending further orders.

24 The effective date of this Administrative Order is February 1, 2012.

25 Dated this 31<sup>st</sup> day of January, 2012.

26  
27   
28 JOHN N. NELSON  
PRESIDING JUDGE

29 Copies to:

30 Hon. Mark Wayne Reeves  
31 Hon. John Paul Plante

1 Hon. Larry Kenworthy

Hon. Maria Elena Cruz

2 Hon. Kathryn Stocking-Tate

Hon. Denise D. Gaumont

3 Hon. Lisa Bleich

4 Lynn Fazz, Clerk of the Court

5 Margaret C. Guidero, Court Administrator

6 Sherri Williams, Claseflow Manager

7 All Yuma County Attorneys

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